

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

GOLDEN SPREAD COOPERATIVE, INC., §

Plaintiff, §

WESTPORT INSURANCE COMPANY, §
as Subrogee of Golden Spread Electric
Cooperative §

Intervenor, §

v. §

EMERSON PROCESS MANAGEMENT
POWER & WATER SOLUTIONS, INC., §

Defendant. §

5:17-CV-069-D

ORDER

On November 19, 2018 the United States Magistrate Judge entered his findings,* conclusions, and recommendation on the following motions: (1) defendant Emerson Process Management Power & Water Solutions, Inc.’s (“Emerson’s”) April 16, 2018 motion for summary judgment, and (2) Emerson’s September 10, 2018 motion *in limine* and motion to exclude expert testimony. The magistrate judge recommends that the summary judgment motion be granted and the two pending evidentiary motions be denied as moot. Plaintiff Golden Spread Cooperative, Inc. (“Golden Spread”) filed objections to the findings, conclusions, and recommendation on December 3, 2018, which intervenor Westport Insurance Company (“Westport”) joined the same day.

After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the magistrate judge, the objections of Golden Spread

*Because the court is addressing a summary judgment motion, no factual findings have been made.

and Westport, and Emerson's December 17, 2018 response to the objections, the court concludes that the conclusions and recommendation are correct. It is therefore ordered that the objections are overruled, the conclusions and recommendation of the magistrate judge are adopted, and Emerson's April 16, 2018 motion for summary judgment against Golden Spread and Westport is granted. The motion in *limine* and motion to exclude expert testimony are denied without prejudice as moot. The court enters judgment in favor of Emerson by judgment filed today.

SO ORDERED.

January 31, 2019.



SIDNEY A. FITZWATER
SENIOR JUDGE